

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**JON MILLS**

**PETITIONER**

**v.**

**5:08CV00188 WRW/HDY**

**LARRY NORRIS, Director of the  
Arkansas Department of Corrections**

**RESPONDENT**

**PROPOSED FINDINGS AND RECOMMENDATIONS**

**INSTRUCTIONS**

The following recommended disposition has been sent to United States District Court Judge William R. Wilson, Jr. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.
2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.
3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and "Statement of Necessity" to:

Clerk, United States District Court  
Eastern District of Arkansas  
600 West Capitol Avenue, Suite A149  
Little Rock, AR 72201-3325

### **DISPOSITION**

The respondent moves to dismiss the petition for writ of habeas corpus filed by Mr. Jon Mills pursuant to 28 U.S.C. § 2254. Having reviewed the petition, the Court determines that it is a successive petition to his previously filed habeas cases in this Court: *Mills v. Norris*, 5:06CV00069; *Mills v. Norris*, 5:04CV00397; and *Mills v. Norris*, PB-C-97-476.

Amendments to 28 U.S.C. § 2254 signed into law on April 26, 1996, prohibit the filing of a successive petition in District Court without authorization from the Circuit Court of Appeals. The requirements to receive authorization from the Circuit Court of Appeals are found at 28 U.S.C. § 2244(b), as amended. These amendments are available in the unit law library, or by contacting the Clerk, Eighth Circuit Court of Appeals, 511 U.S. Court and Custom House, 1114 Market Street, St. Louis, Mo. 63101, for more information.

Based upon the foregoing, we recommend that the respondent's motion to dismiss be granted and that the petition be dismissed. The petitioner is directed to seek permission from the Eighth Circuit Court of Appeals prior to the filing of his habeas corpus petition with this Court.

IT IS SO ORDERED this 30 day of August, 2008.

  
UNITED STATES MAGISTRATE JUDGE